

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

November 10, 2011

Chairman T. Michalski called the meeting to order at 4:03 p.m. and roll was taken.

MEMBERS PRESENT: T. Michalski, B. Larson, W. Parker S. Warmington, B. Turnquist, J. Doyle, B. Mazade, L. Spataro

MEMBERS ABSENT: B. Smith, excused

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: J. Booker, 1987 Lakeshore Dr.

APPROVAL OF MINUTES

B. Turnquist pointed out that he chaired the October meeting since T. Michalski was absent. That change was made to the October minutes.

A motion that the minutes of the regular meeting of October 13, 2011 be approved with the above change was made B. Turnquist, supported by B. Larson and unanimously approved.

PUBLIC HEARINGS

S. Warmington was excused from the board during this case, since he was the applicant. He also requested that B. Mazade be excused due to S. Warmington being B. Mazade's employer, because of his position on the City Commission.

Hearing, Case 2011-17: Request for a Special Land Use Permit, per section 2203 of Article XXII of the Zoning Ordinance, to allow an expansion of a non-conforming structure not exceeding 30% of the total floor area of the existing building, in a B-2, Convenience and Comparison Business District at 1983 Lakeshore Drive, by Warmington Leasing LLC. The subject property is located in a B-2, Convenience & Comparison Business District. The structure on this property is considered legally non-conforming because it does not meet the 10 foot front setback requirement. Section 2203 (Non-conforming structures) of the zoning ordinance states that non-conforming structures may be expanded to an extent not exceeding 30% of the total floor area of the existing building. The current building measures 1,530 square feet and is two stories. The proposed addition measures 128 square feet (8% of the current building) and is one story. The addition will measure 8 feet by 16 feet and will be located 1 inch off of the westerly property line. The current building has a zero lot line. The proposed addition would be used as a covered entrance to the building and also as a smoking area. The addition would not take away any parking spaces, nor require the addition of any parking spaces. Notice was sent to properties within a 300 foot radius of this parcel. The following property owners called to say that they have no objection to the request: Bill Gibner, of 1965 Lakeshore Drive, Michael Vink of Great Lakes Dock and Materials, which owns 1937 Lakeshore Drive and 1845 Lakeshore Drive, G.

Samples, owner of the Lakeside Emporium at 1930 Lakeshore Drive, and D. Ghezzi of 2013 Lakeshore Drive. J. Booker, owner of the adjacent building at 1991 Lakeshore Dr called to state that he was opposed to the project and would attend the Planning Commission meeting.

S. Warmington stated that he wanted to install an overhang over the rear entry door to the bar, and extend it over to cover the adjacent entrance to the upper apartment. Drawings and specs of the proposed project were provided. He planned to use this as a smoking area for his patrons in inclement weather. B. Turnquist asked if the area would be enclosed. S. Warmington stated that during the winter months he would enclose about 2/3 of the area with plexiglass, otherwise it would not be enclosed, just covered. B. Turnquist asked if the utility boxes on the outside of the building would still be accessible. S. Warmington stated that they would. J. Booker owned the business next door and was opposed to the request. He stated that he had two upscale apartments above his business, and felt this would have a detrimental affect on his tenants. He stated that it would draw more bar patrons outside, and since the proposed location was not in sight of the bartender, there would be no supervision of the area. He was concerned that it could result in damage to his building and litter in the parking lot. He preferred that smoking patrons use the more visible area in front of the building. B. Turnquist asked J. Booker if he owned the building and where his employees went to smoke. J. Booker stated that he did own the building, and his employees smoked in the back, which was visible from the reception desk. L. Spataro asked if anyone else in the 300-foot radius who received notice of the hearing had expressed an opinion regarding this request. M. Franzak listed the people who had called in support of the request, as shown in the staff report.

A motion to close the public hearing was made by B. Larson, supported by L. Spataro and unanimously approved.

L. Spataro stated that the tavern existed here prior to Mr. Booker's business, and that property owners had the right to use their property as allowed by ordinance. He stated that, since the zoning ordinance made most businesses in this block non-conforming due to the front setback, it was reasonable to grant the variance.

A motion that the special land use permit, per section 2203 (#1) of Article XXII of the Zoning Ordinance, to allow an expansion of a nonconforming structure not exceeding 30% at 1983 Lakeshore Drive by Warmington Leasing LLC be approved, based on compliance with the City's Master Land Use Plan and conditions set forth in Section 2203 of the City of Muskegon Zoning Ordinance with the conditions that 1) The owner shall permit the zoning administrator or other zoning staff in the premises at reasonable times to review compliance with this permit, and 2) The special land use permit shall become null and void within one year of the public hearing if the structure has not been constructed, was made by B. Larson, supported by L. Spataro and unanimously approved.

OLD BUSINESS

M. Franzak stated that he was still working on updates to the Zoning Ordinance.

OTHER

There being no further business, the meeting was adjourned at 4:20 p.m.